

REMARKS

This application pertains to a novel method and apparatus for UV irradiation and heat sterilization of fluid media, especially liquids containing microorganisms.

Claims 1-29 are pending; claim 29 being added by this amendment. Claim 29 is not new, since it is merely a repeat of original claim 12, wherein the multiple dependency of claim 12 is broken down to two individual claims (12 and 29), each with only a single dependency. Therefore, claim 29 does not present any new matter or new issue.

Claim 4 has been amended to specifically recite that the irradiation can take place before, after or during one or more of the successive heating/holding/cooling steps. Support for this amendment is found in Figure 1b, Figure 1a and in Figure 2 and Figure 1a and b combined. Therefore, this amendment does not present any new matter.

Applicants gratefully acknowledge that the restriction requirement has been withdrawn.

Claims 1-28 stand rejected under 35 U.S.C. 112, second paragraph, because the Examiner reads claims 1-6 and 28 as failing to recite any positive process steps.

The claims have now been amended to recite positive process steps. In claim 1, for example, the positive process steps of "heating" and "irradiating" are recited. Claim 2 recites "maintaining" the fluid media at the sterilization temperature for a specific time period. Claim 3 recites "heating", "cooling", etc. Claim 4 recites "heating", "holding" and "cooling".

It is therefore believed that the process claims are now in proper form and that they include the necessary process steps. The rejection of claims 1-28 under 35 U.S.C. 112, second paragraph, for failing to recite positive process steps should therefore now be withdrawn.

Claims 1-28 stand rejected under 35 U.S.C. 101, because the process claims were seen by the Examiner as being in improper form for process claims. The amendments discussed above are believed to have overcome this issue, and the rejection of claims 1-28 under 35 U.S.C. 101 should now be withdrawn.

Finally, claim 12 stands objected to under 37 CFR 1.75(d) as being in improper multiple dependent form. Applicants do not believe that claim 12 was in improper dependent form, as each of the two claims upon which claim 12 depended were themselves dependent on only one other claim. Therefore, claim 12 did not depend on any other multiple dependent claims. Nevertheless, in a determined effort to advance the prosecution of this case, Applicants have now broken-up claim 12 to two individual claims (amended claim 12 and new claim 29), each of which is single-dependent. It is

therefore believed that the reasons for the objection to claim 12 have been overcome, and the objection should now be withdrawn.

In view of the present amendments and remarks it is believed that claims 1-29 are now in condition for allowance. Reconsideration of said claims by the Examiner is respectfully requested and the allowance thereof is courteously solicited.

CONDITIONAL PETITION FOR EXTENSION OF TIME

If any extension of time for this response is required, Appellants request that this be considered a petition therefor. Please charge the required petition fee to Deposit Account No. 14-1263.

ADDITIONAL FEE

Please charge any insufficiency of fee or credit any excess to Deposit Account No. 14-1263.

Respectfully submitted,
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